

IN RE: PETITIONS FOR VARIANCE - SW/S * BEFORE THE
Moreland Avenue, 1105' and 1155' SE
of the c/l of Harford Road * DEPUTY ZONING COMMISSIONER
(3035 & 3037 Moreland Avenue)
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *
Santo DiFatta * Case Nos. 96-273-A and
Petitioner * 96-274-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for the properties known as 3035 and 3037 Moreland Avenue, located in the vicinity of Harford Road in Parkville. The Petitions were filed by the owner of the property, Santo DiFatta. In Case No. 96-273-A, the Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot and grant any relief as determined to be necessary, pursuant to Section 304.2 of the B.C.Z.R., for a proposed dwelling. In Case No. 96-274-A, the Petitioner seeks similar relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a front lot width of 50 feet in lieu of the required 55 feet and a variance to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plans submitted which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Santo DiFatta, property owner, and Vincent J. Moskunas, a representative of M & H Development Engineers, who prepared the site plans for these requests. Appearing as a Protestant in the matter was Mark A. Mears, who resides on

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

the property adjacent to 3035 Moreland Avenue, which is proposed to be developed with a single family home.

Testimony and evidence offered revealed that the property known as 3037 Moreland Avenue is improved with a two-story single family dwelling and is located within an older subdivision known as California Orchards, which was developed many years ago with 40-foot and 50-foot wide lots. The Petitioner purchased the property in June 1992, at which time it was comprised of five lots with a combined gross acreage of 0.519 acres, zoned D.R. 5.5. Shortly thereafter, the Petitioner filed a request for a minor subdivision of the property to create two lots back to back. Specifically, the Petitioner proposed a panhandle configuration in which the second lot would be located to the rear of the first lot and accessible via a panhandle driveway running along the northwest side property line. That configuration is more particularly described on a copy of a subdivision plat has been identified as Exhibit "A". The Office of Planning, and ultimately, the Board of Appeals denied the request for resubdivision in this fashion and recommended the Petitioner divide the property so as to create two side by side lots. The Petitioner now proposes a resubdivision of the property in accordance with Petitioner's Exhibit 1. In this scenario, the property at 3037 Moreland Avenue (Lot 1) will consist of 0.259 acres, more or less, and will contain the existing improvements. Proposed Lot 2, or 3035 Moreland Avenue, will also contain 0.259 acres, and is proposed to be developed with a single family dwelling. However, in order to divide the property as proposed, the relief requested is necessary in order to legitimize the existing improvements and to develop Lot 2 with a single family dwelling.

ORDER RECEIVED FOR FILING

Date

By

As noted above, Mr. Mark Mears, an adjoining property owner, appeared and testified in opposition to the request. Mr. Mears resides on the property adjacent to the vacant lot at 3035 Moreland Avenue. Mr. Mears does not believe it appropriate to develop this property with a single family dwelling and wants that property to remain vacant. Mr. Mears is concerned about additional storm water runoff on his property as a result of development on 3035 Moreland Avenue. He further testified that there is a large oak tree on this lot which he would not like to see destroyed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. The uncontradicted testimony established that these properties are located in an older subdivision which was developed many years ago with narrow lots, many of which are under 50 feet in width, and that approximately 60% of the houses in this

RECORDED

ORDER RECEIVED FOR FILING

Date

By

3/20/76
Hyp

community are built on narrow, undersized lots. Therefore, I believe it appropriate to grant the relief requested to legitimize the existing dwelling and to permit development on the vacant lot at 3035 Moreland Avenue with a single family dwelling. In the opinion of this Deputy Zoning Commissioner, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Furthermore, it will not be necessary to address the provisions of Section 304 of the B.C.Z.R. in that the Petitioner has failed to satisfy the requirements set forth therein, and in the alternative, has requested the variances. However, as a condition of approval, the Petitioner shall submit elevation drawings to the Office of Planning for review and approval prior to the issuance of any building permits for the proposed dwelling at 3035 Moreland Avenue.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.


THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of March, 1996 that the Petition for Variance in Case No. 96-274-A seeking relief from Section 1B02.3.C.1 to permit a front lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 7 feet in lieu of the minimum required 10 feet, for an existing dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-273-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in

3/20/96
[Signature]

lieu of the required 55 feet, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits for improvements on 3035 Moreland Avenue, the Petitioner shall submit elevation drawings of the proposed dwelling for review and approval by the Office of Planning. The house at 3035 Moreland Avenue shall be constructed for resale purposes, only. The Petitioner shall not be permitted to use the dwelling as a rental property; the dwelling shall be owned by the person residing therein.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 3/24/16
By [Signature]

RECEIVED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 20, 1996

Mr. Santo DiFatta
8829 Avondale Road
Baltimore, Maryland 21234

RE: PETITIONS FOR VARIANCE
SW/S Moreland Avenue, 1105' and 1155' SE of the c/l of Harford Road
(3035 & 3037 Moreland Avenue)
14th Election District - 6th Councilmanic District
Santo DiFatta - Petitioner
Case Nos. 96-273-A and 96-274-A

Dear Mr. DiFatta:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Vincent J. Moskunas, M & H Development Engineers, Inc.
200 E. Joppa Road, Joppa, Md. 21286

People's Counsel

File

A faint, rectangular stamp with illegible text, possibly a date or processing mark.





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3035 MORELAND AVENUE

which is presently zoned DR 5.5

96-273-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3C1 (BCZR)

To permit a front lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot and to grant any relief as determined as necessary by the zoning commissioner per Section 304.2 (BCZR)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. A MINOR SUBDIVISION WAS FILED FOR TWO (2) LOTS AS A PANHANDLE CONFIGURATION WHICH WOULD NOT HAVE A NEED FOR A VARIANCE. BOARD OF APPEALS CASE NO. 93-050MP. DENIED APPROVAL BECAUSE OFFICE OF PLANNING & ZONING DENIED THE RESUBDIVISION. THE PROPERTY WAS PURCHASED FOR THE PURPOSE OF SUBDIVIDING THE LOT WHICH HAS TWO (2) TAX ACCOUNT NUMBERS.
2. WIDTH OF PROPERTY TOO NARROW TO HAVE 55 FOOT WIDE LOTS, SIDE BY SIDE.
3. EXISTING DWELLING ON ONE OF THE TAX ACCOUNT NUMBERS IS TOO CLOSE TO THE PROPOSED RIGHT PROPERTY LINE, WHICH IT WOULD NOT HAVE BEEN IF THE PANHANDLE WAS APPROVED.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

SANTO DIFATTA

(Type or Print Name)

Signature

(Type or Print Name)

Signature

8829 AVONDALE ROAD 661-2507

Address

Phone No.

BALTO.

MD.

21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

MEH DEVELOPMENT ENGINEERS, INC.
VINCENT J. MOSKUNAS

Name

200 E. JOPPA RD. 21286 828-9060

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

R.T.

DATE

1-17-96

ITEM # 271

Printed with Soybean Ink
on Recycled Paper



ORDER RECEIVED FOR FILING

Date

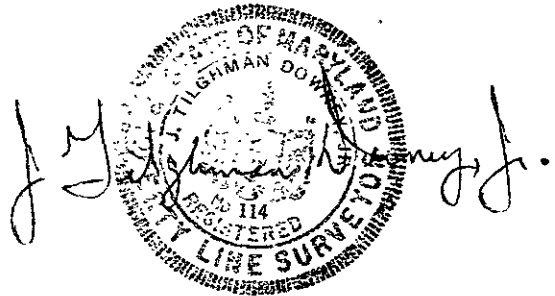
By

January 16, 1996.

ZONING DESCRIPTION FOR
3035 MORELAND AVE.

96-273-A

Beginning at a point on the southwest side of Moreland Avenue which is 30 foot of Right-of-way wide at the distance of 1105'± southeast of the southeast side of Harford Road which is 66 foot of Right-of-Way wide. Being Part of Lot 96, all of lots 97 & 98 as shown on the Plat Entitled, "California Orchards", as recorded in Baltimore County Plat Book W.P.C. No. 7, Folio 37, Containing 0.259 Acre, more or less. Also known as #3035 Moreland Avenue and located in the 14 th. Election District.



J. Tilghman Downey, Jr.

96-273-A

ITEM# 271

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-273-A

District 14

Date of Posting 7/2/96

Posted for: Venice

Petitioner: Santo DiFatta

Location of property: 3035 Morland Ave

Location of Sign: Facing roadway on property being zoned

Remarks: _____

Posted by M. Kelly
Signature

Date of return: 7/9/96

Number of Signs: 1



UNRECORDED

NOTICE OF HEARING

The Planning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 195-7234

Block: 270

Section: 10 and 11

Site: 105-106-107-108

Map: 105-106-107-108

6th Councilmanic

Legal Owner(s):

Santo DiFatta

Variance: to permit a front lot width of 50 feet in lieu of the required 55 feet and to approve an undersize lot and to grant any relief as determined as necessary by the zoning commissioner.

Hearing: Tuesday, February

27, 1996 at 2:00 p.m. in Rm.

106 of the County Office Building

111 W. Chesapeake Avenue

Towson, Maryland 21204

Planning Commission

Baltimore County

NOTES: (1) Hearings are

Handicapped Accessible for

special accommodations

Please Call 887-3353.

(2) For information concern-

ing the File and/or Hearing,

Please Call 887-3391.

2/104 Feb. 8: C30285

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/8, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/8, 1996.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

Publication

R 001-6150

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 873678

ITEM # 271 & 272

96-273-A

R-001-6150

DATE 1-16-96

ACCOUNT

ITEM # 271
CIC-VAR-# 50.00
CIC-VAR-# 35

AMOUNT \$ 170.00

RECEIVED

FROM:

ITEM # 272
CIC-VAR-# 35
CIC-VAR-# 35

M. H. LEVANT MARRIAGE, INC.

FOR:

VANCE & UNDERSTUD

R. [Signature]

RECEIVED
JAN 19 1996
10 04 10 AM '96

\$170.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted
for filing by R.T. on 1-17-96
Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE 1-29-96 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ -DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 2-13-96 C (B-3 Work Days)

TENTATIVE DECISION DATE 2-16-96 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____

Location of property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

MICROFILMED

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B. _____
Permit Number

ITEM # 271

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ **M.E.H. DEVELOPMENT ENGINEER, INC** 200 E. JOPPA RD. 21286 828-9060
Print Name of Applicant Address Telephone Number

☐ Lot Address # **3035 MORELAND AVENUE** Election District **14** Council District **6** Square Feet **11,325**

Lot Location: **NES W** / side / corner of **MORELAND AVE** , **1105** feet from **NES W** corner of **HARFORD ROAD**
(street) (street)

Lot Owner **SANTO DIFATTA BUILDERS** Tax Account Number **LOTS 94,95 & 96 1417010151**
LOTS 97,98 1417010152

Address **8829 AVONDALE ROAD** Telephone Number **661-2507**
BALTO., MD. 21234

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	✓	—
2. Permit Application	—	—
3. Site Plan		
Property (3 copies)	✓	—
Topo Map (available in Rm 204 C.O.B.) (2 copies) (please label site clearly)	✓	—
4. Building Elevation Drawings	✓	—
5. Photographs (please label all photos clearly)		
Adjoining Buildings	✓	—
Surrounding Neighborhood	—	—

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by **R.T.**
ZADM

Date **1-17-96**

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

☐ **Approval** ☐ **Disapproval** ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning & Community Conservation
Revised 9/5/95

Date: _____

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B. _____
Permit Number

ITEM # 271

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☐ **M&H DEVELOPMENT ENGINEER, INC** 200 E. JOPPA RD. 21286 828-9060
Print Name of Applicant Address Telephone Number

☐ Lot Address # **3035 MORELAND AVENUE** Election District **14** Council District **6** Square Feet **11,325**

Lot Location: ~~NES W~~ side / ~~corner~~ of **MORELAND AVE** . **1105** feet from ~~NES W~~ ^{SE} corner of **HARFORD ROAD**
(street) (street)

Land Owner **SANTO DIFATTA BUILDERS** Tax Account Number **LOTS 94, 95, 96 1417010151**
LOTS 97, 98 1417010152

Address **8829 AVONDALE ROAD** Telephone Number **661-2507**
BALTO., MD. 21234

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation

	PROVIDED?	
	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	_____
2. Permit Application	<input checked="" type="checkbox"/>	_____
3. Site Plan		
Property (3 copies)	<input checked="" type="checkbox"/>	_____
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	<input checked="" type="checkbox"/>	_____
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	_____
5. Photographs (please label all photos clearly)		
Adjoining Buildings	<input checked="" type="checkbox"/>	_____
Surrounding Neighborhood	_____	_____

Residential Processing Fee Paid Codes 030 & 080 (\$85)
Accepted by R.T. ZADM
Date 1-17-96

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

☐ **Approval** ☐ **Disapproval** ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning & Community Conservation

Date: _____

SCHEDULED DATE CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted
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Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE 1-29-96 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ -DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 2-13-96 C (B-3 Work Days)

TENTATIVE DECISION DATE 2-16-96 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____

Location of property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

Applicants request item 271 & 272 Hearing
to be schedule at the same time -

TO: PUTUXENT PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please forward billing to:

Santo DiFatta
8829 Avondale Road
Baltimore, MD 21234
661-2507

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-273-A (Item 271)
3035 Moreland Avenue
SW/S Moreland Avenue, 1105' +/- SE of c/l Harford Road
14th Election District - 6th Councilmanic
Legal Owner: Santo DiFatta

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet and to approve an undersize lot and to grant any relief as determined as necessary by the zoning commissioner.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-273-A (Item 271)
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SW/S Moreland Avenue, 1105' +/- SE of c/l Harford Road
14th Election District - 6th Councilmanic
Legal Owner: Santo DiFatta

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet and to approve an undersize lot and to grant any relief as determined as necessary by the zoning commissioner.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Santo DiFatta
M & H Development Engineers, Inc.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

200-887-4000





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 21, 1996

Santo Difatta
8829 Avondale Road
Baltimore, MD 21286

RE: Item No.: 271
Case No.: 96-273-A
Petitioner: S. Difatta

Dear Mr. Difatta:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: February 5, 1996
Zoning Administration and Development Management

FROM: *fw* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 5, 1996
Item No. 271

The Development Plans Review Division has reviewed the subject zoning item. Prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Permits and Development Management Office.

Driveways shall be constructed in accordance with Baltimore County Standards with depressed curb and 7-inch concrete aprons within the right-of-way.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 4 feet wide per Dept. of Public Works Standard Plate R-19.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 7, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 271 and 272

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gayle Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/29/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 29, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 271, 272, 273, 274, 276, 277 AND 278.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

1-26-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 271 (RT)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

RE: PETITION FOR VARIANCE
3035 Moreland Avenue, SW/S Moreland Ave,
1105' +/- SE of c/l Harford Road
14th Election District, 6th Councilmanic

Santo DiFatta
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-273-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to M & H Development Engineers, Inc., 200 E. Joppa Road, Baltimore, MD 21286, representative for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECEIVED
FEB 21 1996

CITIZEN SIGN-IN SHEET

ADDRESS

3033 Moreland AVE

[illegible]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

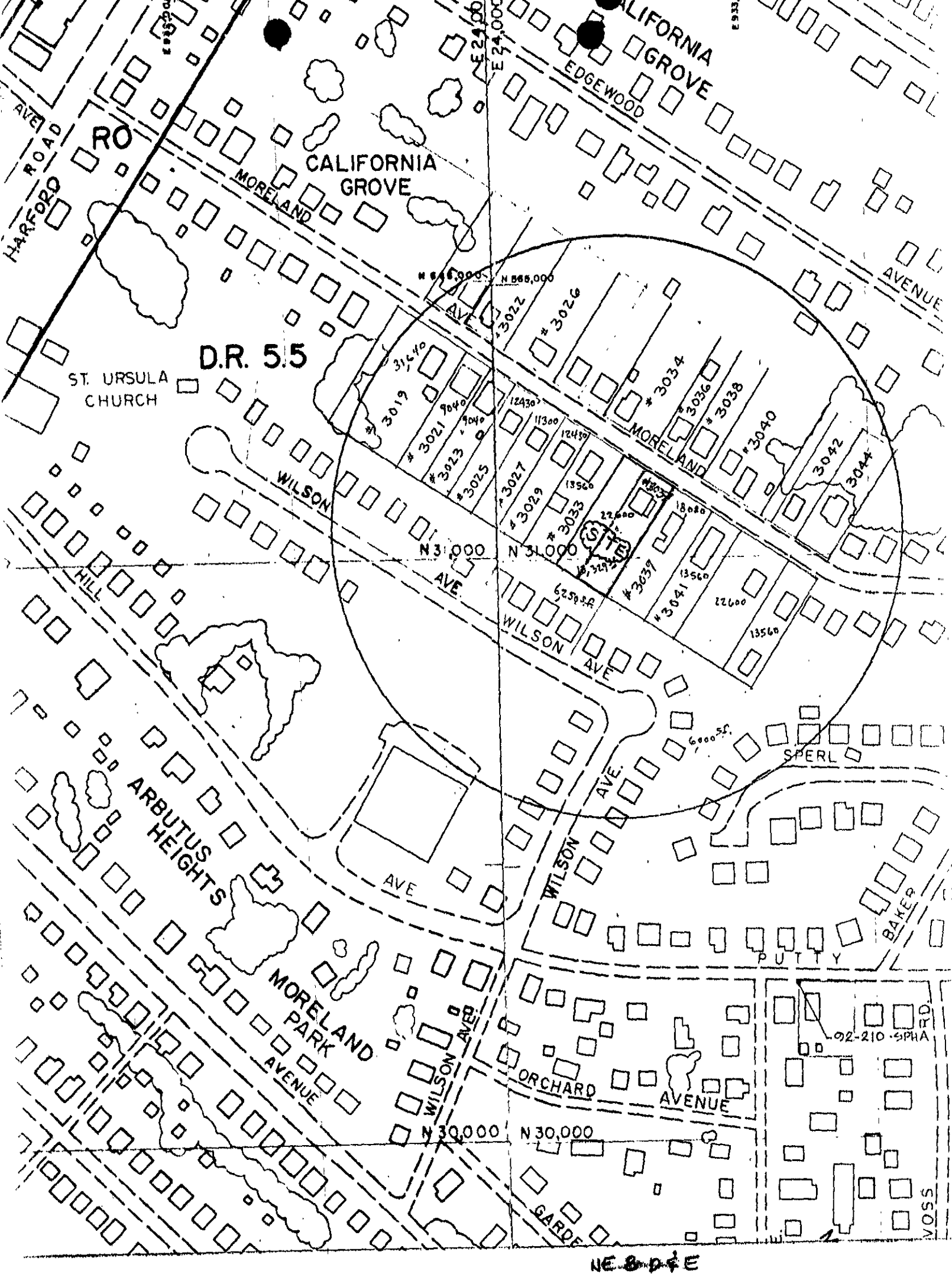
Santo Di Zatta
M&N DEV. ENG. INC.
VINCENT J. MOSKUNAS

8829 AVONDALE RD BALTIMORE
200 E. JOPPA RD, TOWSON, MD. 21286



Printed with Soybean Ink
on Recycled Paper

200 E. JOPPA RD
TOWSON, MD 21286



NEIGHBORHOOD MAP
SCALE: 1" = 200' MAR. 17, 1993

W&H DEVELOPMENT
ENGINEERS, INC.

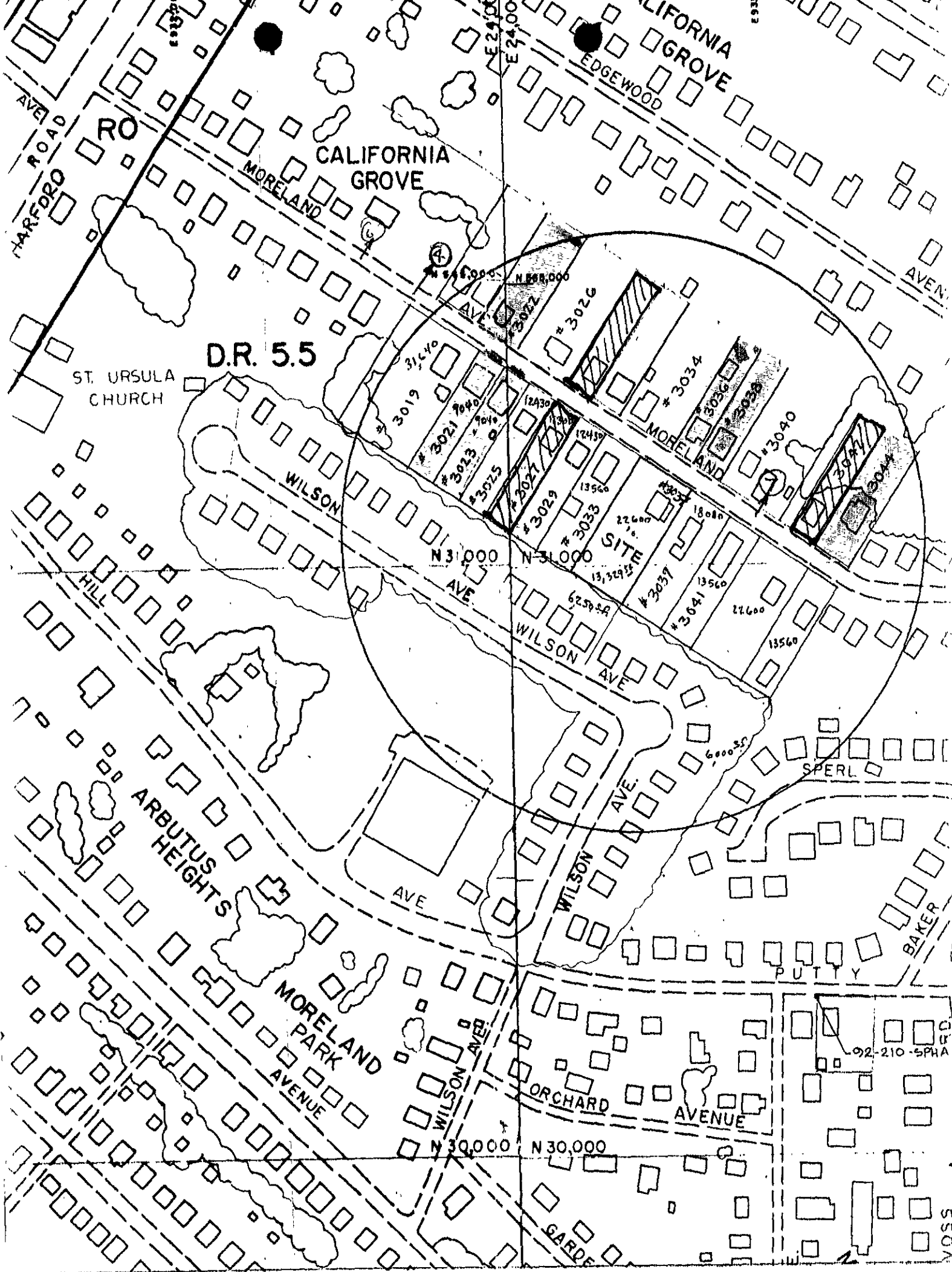
EXHIBIT "B"

ITEM # 271

MICROFILMED

200 East Joppa Road
Room 101, Shell Building
Towson, Maryland
(301) 828-9060

96-273-A



Blue 9040 SF.

✓ Green = 11,300 SF.

Pink = 12,430 SF.

Yellow = 13,560 SF.

White = over 18,080 SF.

6000 SF to 6800 SF

NEIGHBORHOOD MAP

SCALE: 1" = 200'

MAR. 17, 1993

W&H DEVELOPMENT
ENGINEERS, INC.

EXHIBIT "B"

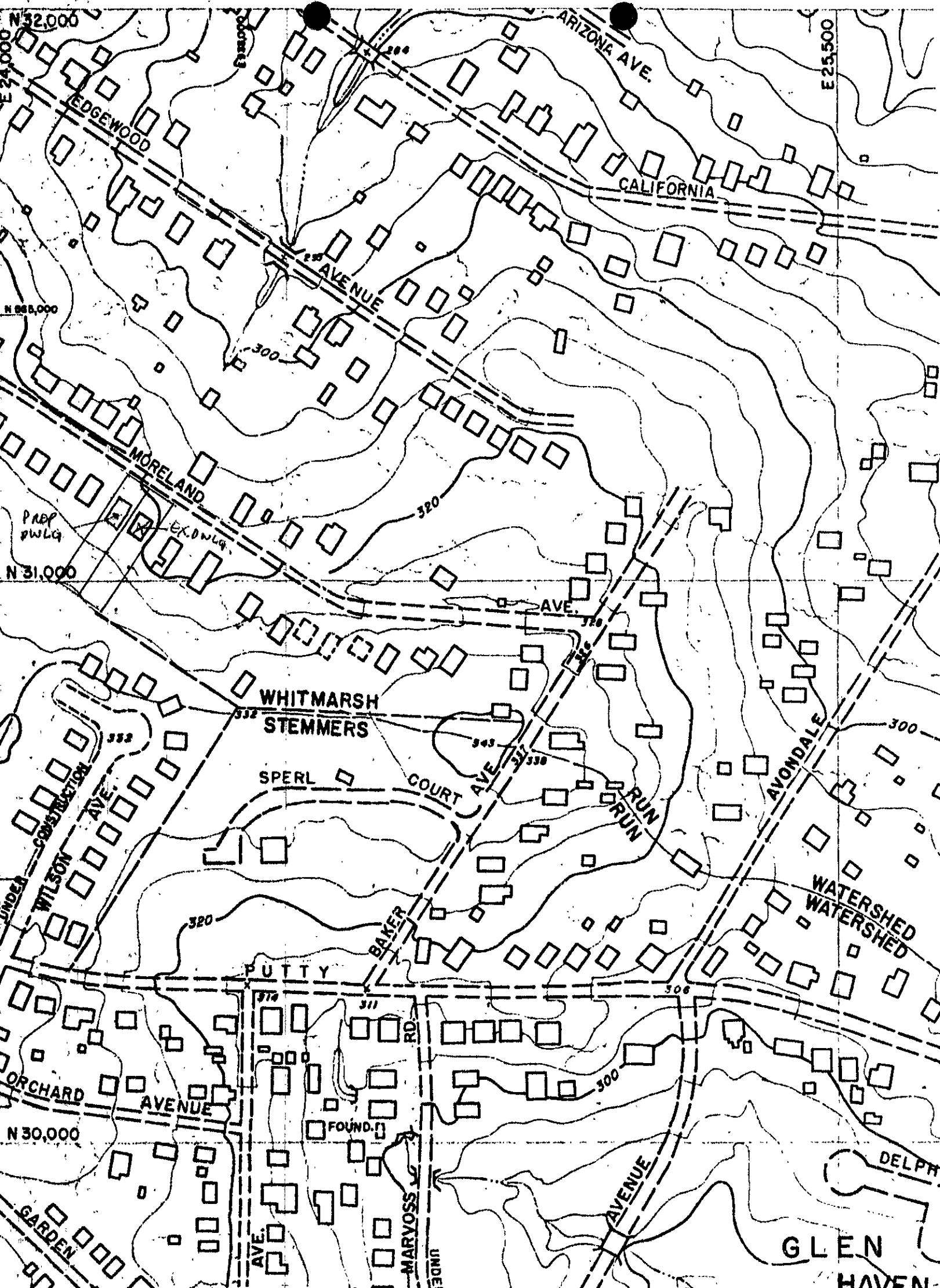
NE 8-E

ITEM # 271

200 East Joppa Road
Room 101, Shell Building
Towson, Maryland
(301) 028-9060

96-273-A

RECORDED



REVISIONS

BY DATE

782 2/21/85

SCALE

1" = 200'

DATE OF
PHOTOGRAPHY
APRIL 1953

LOCATION

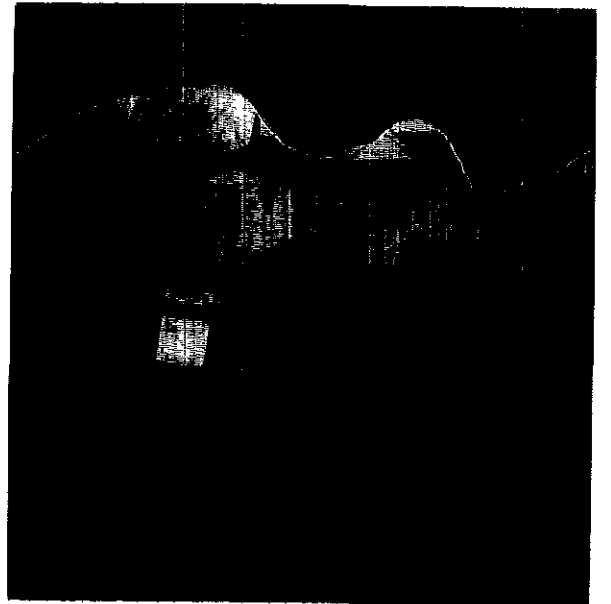
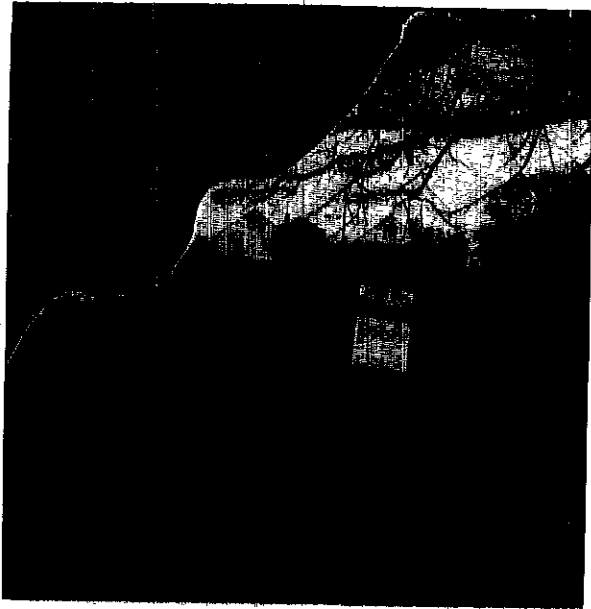
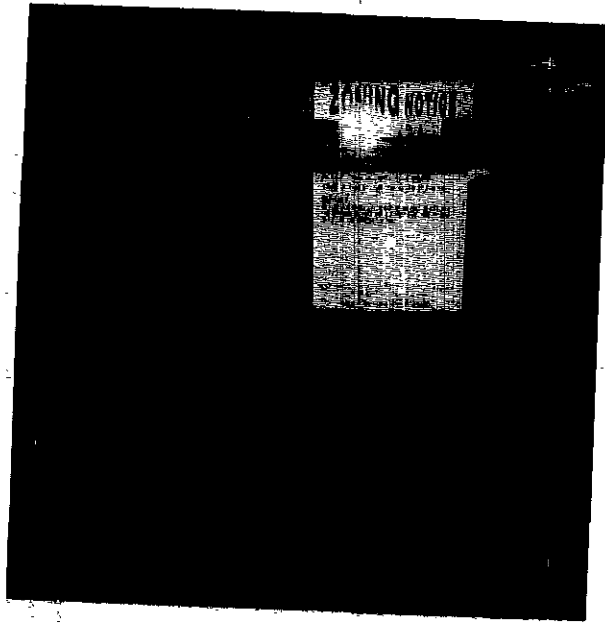
96-273-A
FULLERTON
PARKVILLE

ITEM # 271 MICROFILMED

GLEN
HAVEN
SHEET

N.E.

8-E





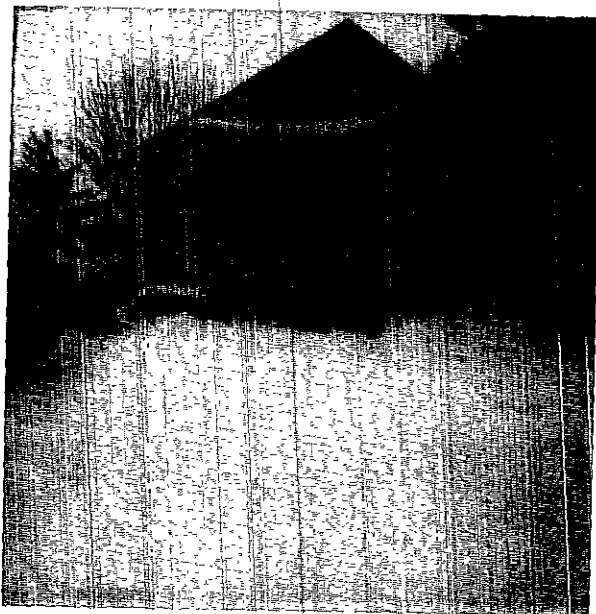
3039

ITEM 271



3036

ITEM 271



3033

ITEM 271

ITEM 271



Le Mall - ①

96-273-A



Our lot,
looking back from
Front Street.



⑤ toward Hayford
Rd. - B-2



③ - 12

④-2①



②-2H



⑧ toward
Harford Rd.

96-273-A



⑥-21

3

MICROFILMED

IN RE: PETITIONS FOR VARIANCE - SW/S * BEFORE THE
Moreland Avenue, 1105' and 1155' SE * DEPUTY ZONING COMMISSIONER
of the c/l of Harford Road * OF BALTIMORE COUNTY
(3035 & 3037 Moreland Avenue)
14th Election District * Case Nos. 96-273-A and
6th Councilmanic District * SK-274-A
Santo DiFatta
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for the properties known as 3035 and 3037 Moreland Avenue, located in the vicinity of Harford Road in Parkville. The Petitions were filed by the owner of the property, Santo DiFatta. In Case No. 96-273-A, the Petitioner seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot and grant any relief as determined to be necessary, pursuant to Section 304.2 of the B.C.Z.R., for a proposed dwelling. In Case No. 96-274-A, the Petitioner seeks similar relief from Section 1802.3.C.1 of the B.C.Z.R. to permit a front lot width of 50 feet in lieu of the required 55 feet and a variance to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plans submitted which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Santo DiFatta, property owner, and Vincent J. Moskunus, a representative of M & H Development Engineers, who prepared the site plans for these requests. Appearing as a Protestant in the matter was Mark A. Mears, who resides on

the property adjacent to 3035 Moreland Avenue, which is proposed to be developed with a single family home.

Testimony and evidence offered revealed that the property known as 3037 Moreland Avenue is improved with a two-story single family dwelling and is located within an older subdivision known as California Orchards, which was developed many years ago with 40-foot and 50-foot wide lots. The Petitioner purchased the property in June 1992, at which time it was comprised of five lots with a combined gross acreage of 0.519 acres, zoned D.R. 5.5. Shortly thereafter, the Petitioner filed a request for a minor subdivision of the property to create two lots back to back. Specifically, the Petitioner proposed a panhandle configuration in which the second lot would be located to the rear of the first lot and accessible via a panhandle driveway running along the northwest side property line. That configuration is more particularly described on a copy of a subdivision plat has been identified as Exhibit "A". The Office of Planning, and ultimately, the Board of Appeals denied the request for resubdivision in this fashion and recommended the Petitioner divide the property so as to create two side by side lots. The Petitioner now proposes a resubdivision of the property in accordance with Petitioner's Exhibit 1. In this scenario, the property at 3037 Moreland Avenue (Lot 1) will consist of 0.259 acres, more or less, and will contain the existing improvements. Proposed Lot 2, or 3035 Moreland Avenue, will also contain 0.259 acres, and is proposed to be developed with a single family dwelling. However, in order to divide the property as proposed, the relief requested is necessary in order to legitimize the existing improvements and to develop Lot 2 with a single family dwelling.

- 2 -

As noted above, Mr. Mark Mears, an adjoining property owner, appeared and testified in opposition to the request. Mr. Mears resides on the property adjacent to the vacant lot at 3035 Moreland Avenue. Mr. Mears does not believe it appropriate to develop this property with a single family dwelling and wants that property to remain vacant. Mr. Mears is concerned about additional storm water runoff on his property as a result of development on 3035 Moreland Avenue. He further testified that there is a large oak tree on this lot which he would not like to see destroyed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. The uncontradicted testimony established that these properties are located in an older subdivision which was developed many years ago with narrow lots, many of which are under 50 feet in width, and that approximately 60% of the houses in this

- 3 -

community are built on narrow, undersized lots. Therefore, I believe it appropriate to grant the relief requested to legitimize the existing dwelling and to permit development on the vacant lot at 3035 Moreland Avenue with a single family dwelling. In the opinion of this Deputy Zoning Commissioner, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Furthermore, it will not be necessary to address the provisions of Section 304 of the B.C.Z.R. in that the Petitioner has failed to satisfy the requirements set forth therein, and in the alternative, has requested the variances. However, as a condition of approval, the Petitioner shall submit elevation drawings to the Office of Planning for review and approval prior to the issuance of any building permits for the proposed dwelling at 3035 Moreland Avenue.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of March, 1996 that the Petition for Variance in Case No. 96-274-A seeking relief from Section 1802.3.C.1 to permit a front lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 7 feet in lieu of the minimum required 10 feet, for an existing dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-273-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in

- 4 -

lieu of the required 55 feet, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits for improvements on 3035 Moreland Avenue, the Petitioner shall submit elevation drawings of the proposed dwelling for review and approval by the Office of Planning. The house at 3035 Moreland Avenue shall be constructed for resale purposes, only. The Petitioner shall not be permitted to use the dwelling as a rental property; the dwelling shall be owned by the person residing therein.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

- 5 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 20, 1996

(410) 887-4386

Mr. Santo DiFatta
8829 Avondale Road
Baltimore, Maryland 21234

RE: PETITIONS FOR VARIANCE
SW/S Moreland Avenue, 1105' and 1155' SE of the c/l of Harford Road
(3035 & 3037 Moreland Avenue)
14th Election District - 6th Councilmanic District
Santo DiFatta - Petitioner
Case Nos. 96-273-A and 96-274-A

Dear Mr. DiFatta:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Vincent J. Moskunus, M & H Development Engineers, Inc.
200 E. Joppa Road, Joppa, Md. 21286

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3035 MORELAND AVENUE
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned (legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 (BCZR)

To permit a front lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot and to grant any relief as determined as necessary by the zoning commissioner per Section 304.2 (BCZR)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. A MINOR SUBDIVISION WAS FILED FOR TWO (2) LOTS AS A PANHANDLE CONFIGURATION WHICH WOULD NOT HAVE A NEED FOR A VARIANCE. BOARD OF APPEALS CASE NO. 93-050 MAP. DENIED APPROVAL BECAUSE OFFICE OF PLANNING & ZONING DENIED THE RESUBDIVISION. THE PROPERTY WAS PURCHASED FOR THE PURPOSE OF SUBDIVIDING THE LOT WHICH HAS TWO (2) TAX ACCOUNT NUMBERS.
2. WIDTH OF PROPERTY TOO NARROW TO HAVE 55 FOOT WIDE LOTS, SIDE BY SIDE.
3. EXISTING DWELLING ON ONE OF THE TAX ACCOUNT NUMBERS IS TOO CLOSE TO THE PROPOSED RIGHT PROPERTY IS TO BE POSTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that there are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

SANTO DIFATTA

(Type or Print Name)

Santo DiFatta

Signature

(Type or Print Name)

Signature

8829 AVONDALE ROAD 661-2507

Address Phone No.

BALTO. MD. 21234

City State Zipcode

Name, Address and phone number of representative to be contacted.

M&H DEVELOPMENT ENGINEERS, INC.

VINCENT J. MOSKUNAS

200 E. JOPPA RD. 21286 828-9060

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER

REVIEWED BY: R.T. DATE: 1-17-96

ITEM # 271

ORDER RECEIVED FOR FILING
Date 3/21/96
By [Signature]

M&H DEVELOPMENT ENGINEERS, INC.

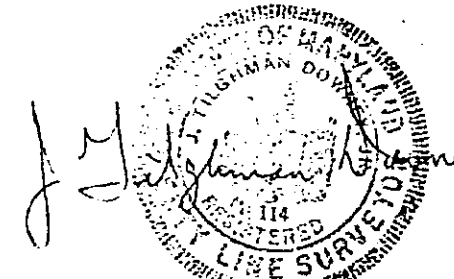
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21286
(410) 828-9060

January 16, 1996.

ZONING DESCRIPTION FOR
3035 MORELAND AVE.

96-273-A

Beginning at a point on the southwest side of Moreland Avenue which is 30 foot of Right-of-way wide at the distance of 1105'± southeast of the southeast side of Harford Road which is 66 foot of Right-of-way wide. Being Part of Lot 96, all of lots 97 & 98 as shown on the Plat Entitled, "California Orchards", as recorded in Baltimore County Plat Book W.P.C. No. 7, Folio 37, Containing 0.259 Acre, more or less. Also known as #3035 Moreland Avenue and located in the 14 th. Election District.



J. Tilghman Downey, Jr.

ITEM # 271

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14 Date of Posting: 2/1/96
Posted for: Review
Petitioner: Santo D. Difatta
Location of property: 3035 Moreland Ave.
Location of Sign: Review to City Council, Room 106
Remarks:
Posted by: [Signature] Date of return: 2/1/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/6, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/6, 1996.

THE JEFFERSONIAN,

A. Hennickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the date and at the time specified below.

Case: 96-273-A
3035 Moreland Avenue
SW/S Moreland Avenue, 1105' +/- SE of c/l Harford Rd.
14th Election District - 6th Councilmanic
Legal Owner: Santo Difatta

Variance: To permit a front lot width of 50 feet in lieu of the required 55 feet and to approve an underuse lot and to grant any relief as determined as necessary by the zoning commissioner.

Hearing: Tuesday, February 27, 1996 at 2:00 p.m. in Room 106 County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

TO: DIFFUTANT PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please forward billing to:

Santo Difatta
8829 Avondale Road
Baltimore, MD 21204
661-2507

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.

Case Number: 96-273-A (Item 271)
3035 Moreland Avenue
SW/S Moreland Avenue, 1105' +/- SE of c/l Harford Road
14th Election District - 6th Councilmanic
Legal Owner: Santo Difatta

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet and to approve an underuse lot and to grant any relief as determined as necessary by the zoning commissioner.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Applicant request item 271 & 272 hearing to be schedule at the same time

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by R.T. on 1-17-96 Date (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 1-29-96 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 2-13-96 C (B-3 Work Days)

TENTATIVE DECISION DATE 2-16-96 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of property: _____

Posted by: _____ Signature _____ Date of Posting: _____

Number of Signs: _____

R001-6150
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 1-14-96 ACCOUNT: 96-273-A
AMOUNT: \$ 170.00
RECEIVED FROM: 1414 L. EVHITT TARRANCE, INC.
FOR: R.T.
VALIDATION OR SIGNATURE OF CASHIER
DATE: 1-14-96 TIME: 11:10 AM



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.

Case Number: 96-273-A (Item 271)
3035 Moreland Avenue
SW/S Moreland Avenue, 1105' +/- SE of c/l Harford Road
14th Election District - 6th Councilmanic
Legal Owner: Santo Difatta

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet and to approve an underuse lot and to grant any relief as determined as necessary by the zoning commissioner.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Santo Difatta
M & H Development Engineers, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 21, 1996

Santo Difatta
8829 Avondale Road
Baltimore, MD 21286

RE: Item No.: 271
Case No.: 96-273-A
Petitioner: S. Difatta

Dear Mr. Difatta:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

INTER-OFFICE CORRESPONDENCE

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Office Bldg., Rm 406
401 Bayview Ave.
Towson, MD 21204

Permit Number
ITEM # 271

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE: Underused Lots
Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

APPLICANT SUPPLIED INFORMATION:

1. 1111 DEVELOPMENT ENGINEERS, INC. 200 E. TOPPA RD. 21286 878-9060
2. 3035 MORELAND AVENUE Election District 14 Council District 6 Square Feet 11,325
3. 1105' +/- SE of c/l Harford Rd. Lot Area 141,700 Sq. Ft.
4. 141,700 Sq. Ft. Lot Area
5. 141,700 Sq. Ft. Lot Area
6. 141,700 Sq. Ft. Lot Area
7. 141,700 Sq. Ft. Lot Area
8. 141,700 Sq. Ft. Lot Area
9. 141,700 Sq. Ft. Lot Area
10. 141,700 Sq. Ft. Lot Area

11. 141,700 Sq. Ft. Lot Area

12. 141,700 Sq. Ft. Lot Area

13. 141,700 Sq. Ft. Lot Area

14. 141,700 Sq. Ft. Lot Area

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16. 141,700 Sq. Ft. Lot Area

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25. 141,700 Sq. Ft. Lot Area

26. 141,700 Sq. Ft. Lot Area

27. 141,700 Sq. Ft. Lot Area

28. 141,700 Sq. Ft. Lot Area

29. 141,700 Sq. Ft. Lot Area

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128. 141,700 Sq

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 7, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 271 and 272

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol K. Kins*

PK/JL

ITEM271/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/29/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 29, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 271, 272, 273, 274, 275, 277 AND 278.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

1-26-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 271 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

RE: PETITION FOR VARIANCE *
2015 Moreland Avenue, SW/S Moreland Ave, *
1105 +/- SE of c/l Harford Road *
14th Election District, 6th Councilmanic *
Santo DiPatta *
Petitioner *
BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
CASE NO. 96-273-A *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to M & H Development Engineers, Inc., 200 E. Joppa Road, Baltimore, MD 21286, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

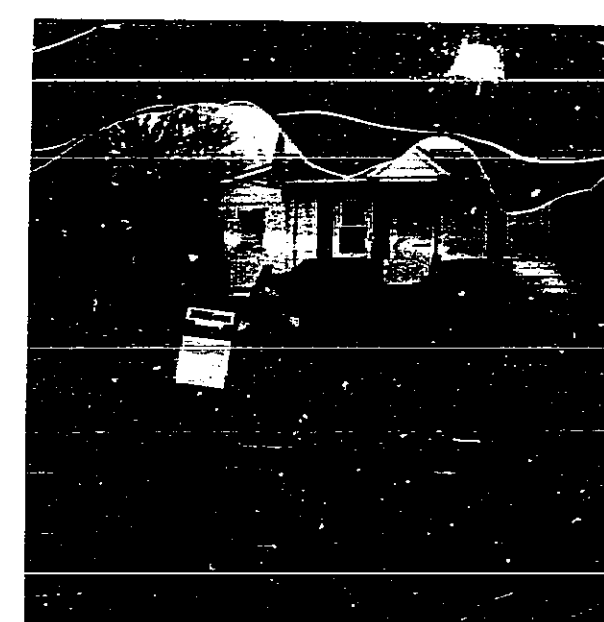
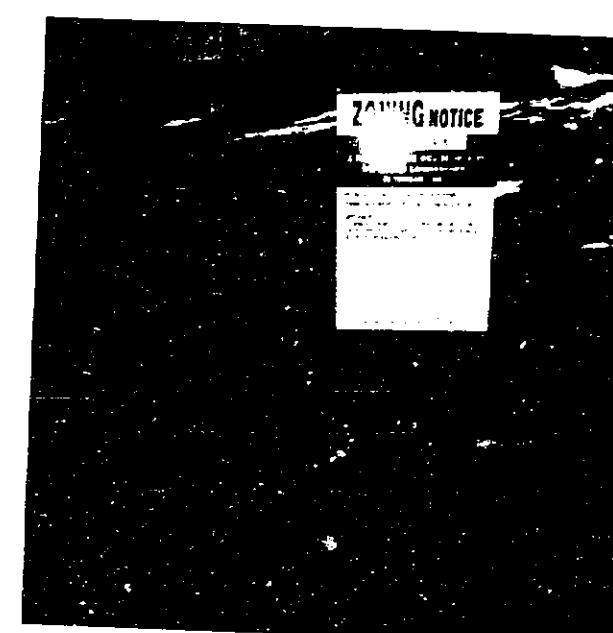
NAME: *Santo DiPatta* ADDRESS: *8829 AVONDALE RD BALTIMORE MD*
M.H. DEV. ENG. INC.
VINCENT J. MOSKOWSKI *200 E. JOPPA RD. TOWSON MD 21286*

PLEASE PRINT CLEARLY

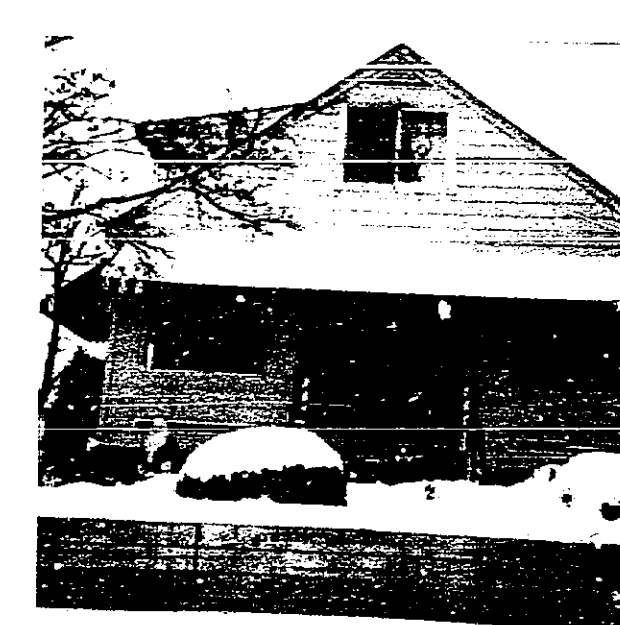
CITIZEN SIGN-IN SHEET

NAME: *Mark A. Means* ADDRESS: *3033 Moreland AVE*

96-273-A

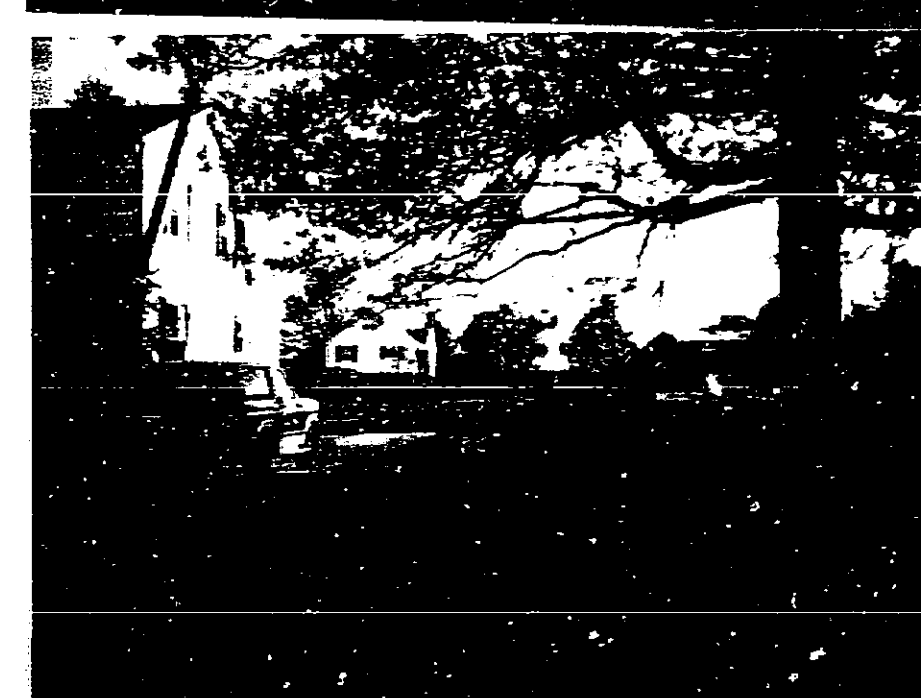
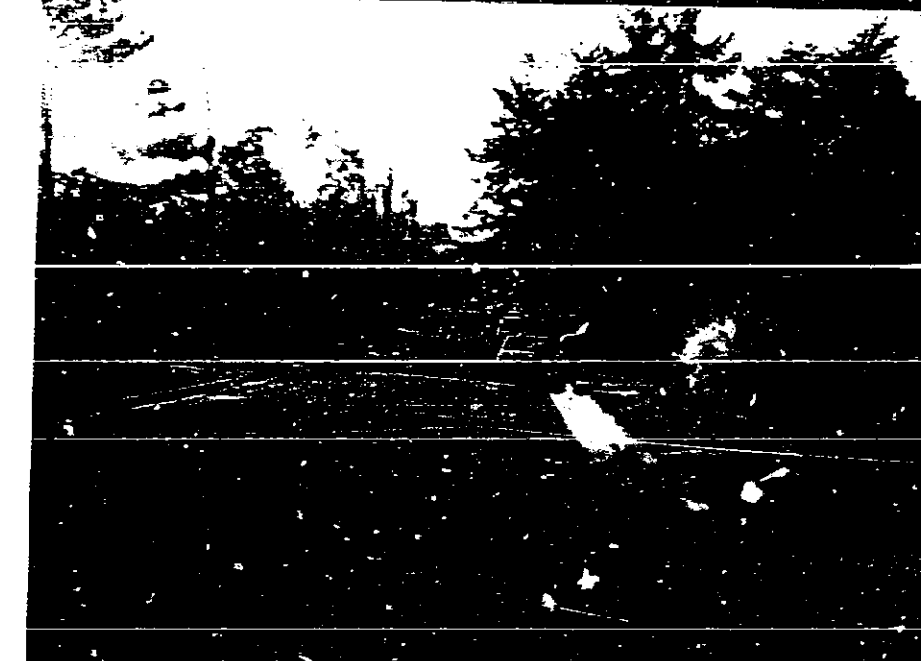


96-273-A



le Mall - 1

96-273-A



Our lot, looking back from front street.

⑤ toward Hayfork Rd. - B-2

③ - 12



96-273-A

(4)-2D

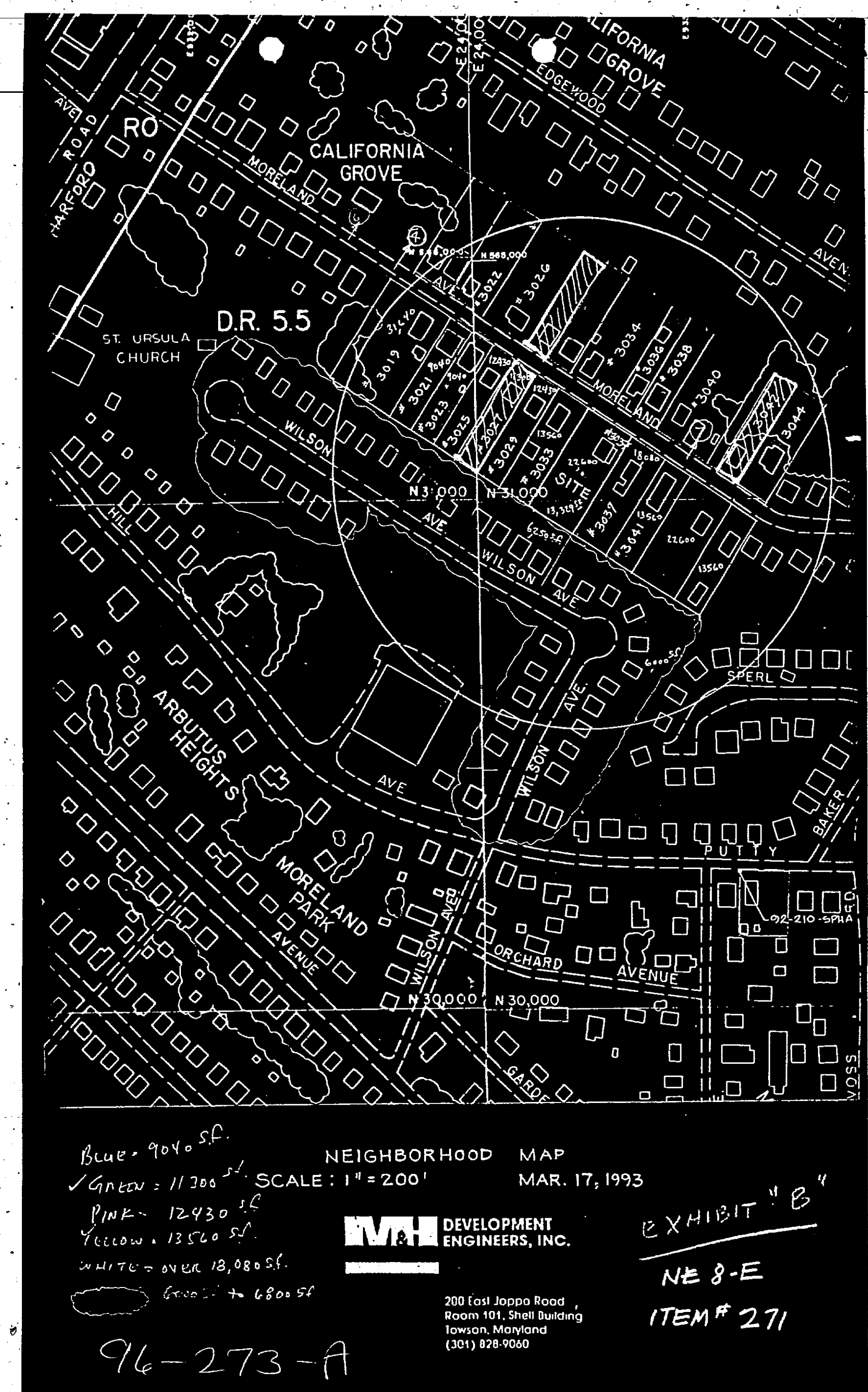
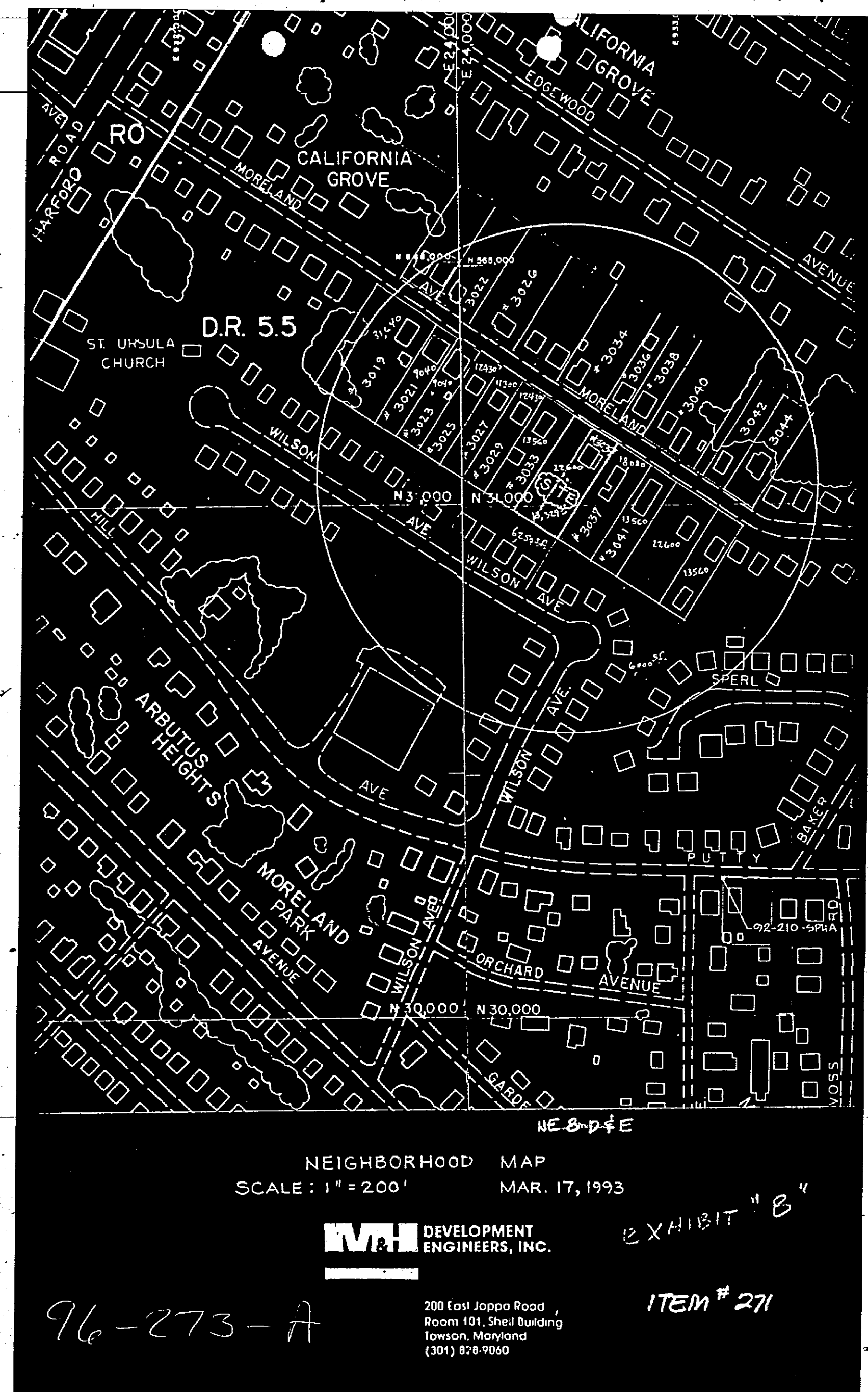
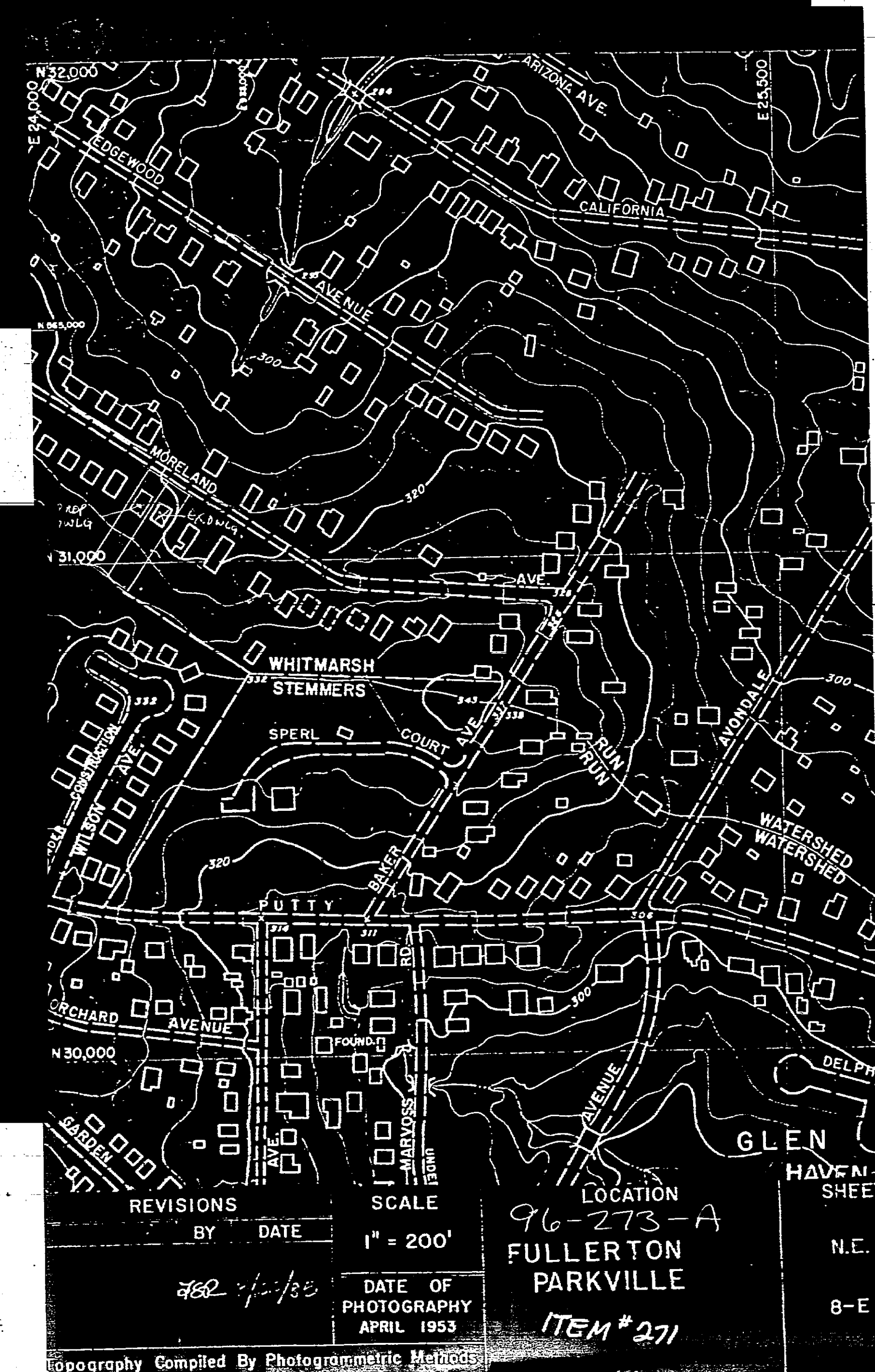
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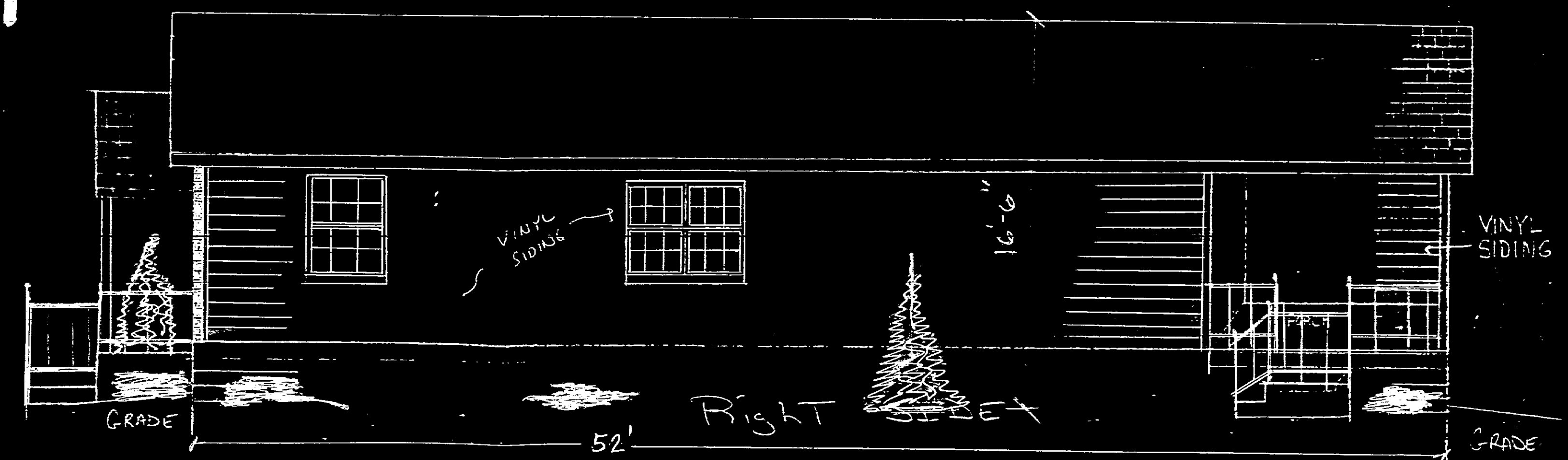
(8) toward
Harford Rd.



96-273-A

(6)-2I





96-273-A

3035 MORELAND AVENUE
BUILDING ELEVATION PLAN
SCALE 1/4"=1'
JAN. 12, 1996

ITEM # 271